

REMARKS

Upon entry of this Amendment, claims 16 and 17 have been amended to correct a typographical error. It is believed that the foregoing additions add no new matter to the present application.

As well, in accordance with the Office Communication mailed July 14, 2003, comments regarding the allowability of newly submitted claims 15-24 (submitted in the Supplemental Amendment mailed April 11, 2003) are submitted herewith.

New independent claim 15 recites:

A device for securing a light fixture to a vertical support surface comprising:

a first support located on the light fixture, the **first support having a planar section having at least one upper aperture and at least one lower aperture;**

a second support configured to be secured to the vertical support surface and to engage the first support, the **second support including a planar section having at least one upper projection and at least one lower projection**, the upper and lower projections positioned to align with the upper and lower apertures on the first support; and

wherein the lower projection is first insertable through the lower aperture to permit the light fixture to be fully supported in a first position by the lower projection, and the first support is upwardly rotatable to a second position where the upper projection extends through the upper aperture and **the planar sections are adjacent.** (Emphasis added)

As previously noted in the discussion of independent claim 11, the Office Action contends that *Garcia* discloses "a first planar support section (18) including one upper projection (50)...and one upwardly angled lower projection (48) positioned to align with the upper (defined between 44) and lower (40) apertures of a planar section (38) of a second support (16)." The Office Action goes on to contend that once assembled, the light fixture assembly of *Garcia* will

"cause the planar sections (18, 38) to abut." Applicant contends that *Garcia* simply does not disclose "a planar section (38) of a second support (16)."

In describing FIGs. 1-3, *Garcia* provides "plate 16 further includes a peripheral, downwardly extending tubular wall portion 36 of circular configuration which terminates in a rounded marginal lip 38." (Col. 2, lines 38-41). Clearly, the "rounded marginal lip" indicated by reference numeral 38 in FIGs. 1-3 of *Garcia* does not disclose, teach or suggest a "planar section." Moreover, as seen in the figures, it is apparent that the apertures as referred to in the Office Action are actually disposed in the "downwardly extending tubular wall portion 36," which is not "planar." The "tubular wall portion" as shown in *Garcia* also does not disclose, teach or suggest a "planar section" as alleged in the Office Action.

As well, in that the "rounded marginal lip 38" of *Garcia* is not a planar section, *Garcia* cannot be said to disclose, teach or suggest the element of two adjacent planar sections for the assembled light fixture assembly, as claimed in independent claim 15. Rather, *Garcia* discloses a housing with a hollow interior as formed by planar section 18 and the "ceiling engaging circular portion 28."

By providing supports with planar sections having apertures and projections, the light fixture can be more easily mounted against a vertical surface because the alignment is accomplished parallel to the vertical support surface. In contrast, the *Garcia* device must be aligned both parallel and perpendicular to the ceiling in order to align the *Garcia et al.* pin 48 with the slot 40 of the back plate 16. In fact, if the *Garcia* device were secured to a vertical support surface, the *Garcia* tubular wall surface 36 would receive unnecessarily high bending stresses due to its horizontal cantilevered arrangement.


Thus, based on the foregoing noted deficiencies, Applicant contends *Garcia* does not render new independent claims 15, 19 (which recites those elements highlighted in claim 15 above) and 22 (a method of use thereof) obvious. Furthermore, because independent claims 15, 19 and 22 are believed to be allowable over the prior art of record, dependent claims 16-18, 20-21 and

23-24 (which depend from independent claims 15, 19 and 22, respectively) are allowable as a matter of law.

Favorable action in regard to the application is earnestly solicited.

Respectfully submitted,

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Kenneth C. Bruley, Reg. No. 51,504

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
100 Galleria Parkway N.W., Suite 1750
Atlanta, Georgia 30339
(770) 933-9500

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